

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF)	
THE SOUTH CENTRAL STATES, INC. FOR)	
CONFIDENTIAL TREATMENT OF)	CASE NO.
INFORMATION FILED IN SUPPORT OF ITS)	90-356
TARIFF FILING TO ADJUST ITS ACCUNET)	
T1.5 SERVICE RATES)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed October 19, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data supporting AT&T's tariff filing to adjust its AccUNET T1.5 service rates on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

AT&T seeks to protect the cost data filed in support of its tariff filing to adjust its AccUNET T1.5 service rates. AT&T contends that disclosure of the information would provide competitors confidential cost information regarding the service which competitors could use to obtain an unfair marketing advantage.

The information is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon it. AT&T seeks to preserve the confidentiality of this information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Accunet is a high speed transmission service offered by AT&T and generally used by subscribers to transmit data. Other interexchange carriers offer this same service in competition with AT&T, and the information could be used by these other carriers in pricing of their services to the detriment of AT&T. Therefore, disclosure of the information is likely to cause competitive injury to AT&T, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The cost data filed in support of AT&T's tariff filing to adjust its Accunet T1.5 service rates, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. AT&T shall, within 10 days of the date of this Order, file an edited copy of the information with the confidential


material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 19th day of November, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director